

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Home Department 'A'

#### Notification

HD-25-19/72-A

The following draft of amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby pre-published as required by section 133 of the Motor Vehicles Act, 1939 for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of fifteen days from the date of this publication in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of fifteen days from the date of the publication of this notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the proposed amendment.

#### DRAFT AMENDMENT

In exercise of the powers conferred by sub-section (2) (i) of section 21 of the Motor Vehicles Act, 1939, (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. **Short title and commencement.**— (i) These rules may be called the Goa, Daman and Diu Motor Vehicles (Eighteenth Amendment) Rules, 1972.

(ii) They shall come into force at once.

2. **Amendment of rule 2.19.**— For the existing clause (iv) of sub-rule (5) of rule 2.19 of the Goa, Daman and Diu Motor Vehicles Rules, 1965 (hereinafter referred to as the "principal rules") the following new clause shall be substituted, namely:—

"(iv) the applicant maintains at least one motor cycle, one light motor vehicle, one medium motor vehicle and one heavy motor vehicle of

each of the categories for which he desires a licence;"

3. **Amendment of rule 5.33.**— In rule 5.33 of the principal rules for the words and figures "resulting figures by 160" the words and figures "resulting figures by 60" shall be substituted.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardesai, Under Secretary (Home).

Panaji, 21st July, 1972.

#### Notification

HD-21-18/70-A

The following draft of an amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Rules, 1965 is hereby published for general information. Notice is hereby given that the said draft will be taken into consideration by the Government on the expiry of 15 days from the date of publication of this notification in the Official Gazette.

All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji before the expiry of 15 days from the date of publication of this notification in the Official Gazette so that they may be taken into consideration at the time of finalization of the proposed amendment.

#### DRAFT RULES

In exercise of the powers conferred by clause (ww) of sub-section (2) of section 68 of the Motor Vehicles Act, 1939 (4 of 1939) as applicable to the Union territory of Goa, Daman and Diu and all other powers enabling it in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules so as to amend further the Goa, Daman and Diu Motor Vehicles Rules, 1965, namely:—

1. **Short title.**— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles (Seventeenth Amendment) Rules, 1972.

(2) They shall come into force at once.

2. **Insertion of new chapter.**— After rule 4A.2 of Goa, Daman and Diu Motor Vehicles Rules,

1965 the following chapter shall be inserted namely:—

#### CHAPTER IV A

Licensing of agents engaged in the business of collecting, forwarding and distributing of goods carried by public carrier.

**4.69. Definition.**— In this chapter (a) “agent” means any person who engages directly or indirectly in the business of

(a) collecting;

(b) forwarding and distributing;

(c) collecting, forwarding and distributing, goods carried by any public-carriers;

(b) “agent’s licence” means a licence granted under rule 4.70;

(c) “Collecting agent” means a person licensed to do the business of collecting goods carried by any public carrier;

(d) “Collecting and forwarding agent” means person licensed to do the business of collecting, forwarding and distributing goods carried by any public carrier;

(e) “forwarding agent” means a person licensed to do the business of forwarding and distributing goods carried by any public carrier;

(f) “Form” means a Form appended to these rules and

(g) “licensing authority” means the State Transport Authority, Goa.

**4.70. Licensing of agents.**— No person shall act as an agent unless he holds a valid licence in Form III granted by the licensing authority authorising the carrying on of such business.

**4.71. Application.**— (1) Any person desiring to obtain a licence for carrying on any business referred to in clause (1) of rule 4.69 or for renewing such licence may make an application to the licensing authority in Form I or Form II, as the case may be.

(2) The application shall be accompanied by a fee of Rs. 100/- (Rupees one hundred).

(3) On receipt of an application, the licensing authority shall, having regard, among other things, to the following matters, namely:—

(a) the number of goods vehicles either owned by the applicant or under his control;

(b) the suitability of accommodation possessed by the applicant for the storage of goods;

(c) the facilities, if any, provided by the applicant for parking the goods vehicles; and

(d) the financial resources of the applicant and his ability to manage the business efficiently; either grant or renew or refuse to grant or renew the licence;

**4.72. Security for compliance with conditions.**— For proper compliance of the conditions laid down in rule 4-75 the licensing authority may, at the time

of granting or renewing a licence or at any time during the validity of a licence, order, for reasons to be recorded in writing, the Licensee to furnish security/additional security of Rs. 2,000/- (Rupees two thousand).

**4.73. Forwarding and collecting agents.**— (1) An agent’s licence shall, where the holder thereof is licensed to act only as a forwarding agent or as a collecting agent, specify that fact clearly.

(2) An agent’s licence shall be non-transferable.

(3) No agent’s licence shall authorise a person to act as such agent unless he has adequate facilities to load and unload goods at the premises approved by the State Transport Authority under these Rules.

**4.74. Period of validity and renewal.**— (1) An agent’s licence shall be valid for a period of five years from the date of its grant or renewal.

(2) It may be renewed on an application made to the licensing authority not less than thirty days before the date of its expiry.

(3) The renewal of licence shall be by endorsement of the renewal thereof by the licensing authority on the original licence.

(4) Renewal fee of an agent’s licence shall be Rs. 100/-.

**4.75. Conditions for agent’s licences.**— An agent’s licence shall be subject to the following conditions, namely:—

(a) that the licensee shall, subject to the provisions of rule 4.78 provide places for loading and unloading of goods;

(b) that the licensee shall be responsible for proper arrangements for storage of goods collected for despatch and delivery;

(c) that, where he is authorised to forward and distribute goods, the licensee—

(i) shall be responsible for proper delivery of the goods to the consignee;

(ii) shall be liable to indemnify the consignee for any loss or damage to goods while in his control or possession;

(iii) shall not issue a goods transport receipt without having actually received the goods;

(iv) shall not deliver the goods to the consignee without actually receiving from the consignee a goods transport receipt or, if the receipt is lost or misplaced, an indemnity bond covering the value of goods;

(d) that the licensee shall ensure the goods against any loss or damage while in his control or possession;

(e) that the licensee shall maintain a proper record of the vehicles under his control and of the collection, despatch and delivery of goods, which shall be open to inspection by the State Transport Authority or by any person duly authorised in this behalf by any such authority and shall furnish to the State Transport Authority by 31st March every year a return in respect of the previous calendar year in Form IV;

(f) that the licensee shall not charge any commission exceeding that prescribed by the State Transport Authority under rule 4.77;

(g) that the licensee shall furnish the operators with correct figures of the freight receivable by them from the consignors or the consignees;

(h) that the licensee shall maintain proper accounts of the commission charged by him and have the same audited by qualified auditors annually;

(i) that the licensee shall ensure that the goods vehicles under his control have valid permits for routes on which the vehicles have to ply;

(j) that the licensee shall maintain in good condition a weighing device capable of weighing at a time not less than 226 Kg. (500 lbs);

(k) that the licensee shall attend to his out customers in order in which they approach him;

Provided that customers in respect of such perishable goods namely, fruits, vegetables, milk products and milk and other fragile material like glass ware etc. shall be given priority over other customers and shall be attended to in the order in which they approach the licensee;

(l) that the licensee shall assign the available traffic amongst the operators in the order in which they have approached him and shall maintain a register chronologically recording particulars of the available traffic and the waiting operators;

(m) that the licensee shall comply with the provisions of these rules and shall observe such other conditions as the licensing authority may specify in the licence;

(n) that the licensing authority may, at his discretion, order forfeiture, in whole or part, of the security or the additional security furnished by the licensee under rule 4.72 for contravention of any of these rules or breach of any of the aforesaid conditions by the licensee;

(o) that the licensing authority may after giving notice of not less than one month in writing either vary the conditions of the licence or attach to the licence further conditions.

**4.76. Particulars to be mentioned in contract of agency.** — All contracts entered into by the licensee for the purpose of collecting, forwarding and distributing goods, or collecting goods or forwarding and distributing goods, as the case may be, shall be in writing and shall contain the following particulars: —

(i) names and addresses of the consignor and the consignee;

(ii) description and weight of the consignment;

(iii) destination and its distance in kilometres/ miles from the starting station;

(iv) freight for tonne-mile and for the whole consignment;

(v) delivery instructions (e. g. the date by which and the exact place where the goods, are to be delivered to the consignee);

(vi) terms of payment agreement;

(vii) name of the owner, driver, the registration number of the vehicle and its authorised load and the rate and amount of the commission.

**4.77. Rate of Commission.** — The licensee shall not charge commission exceeding 10% of the freight realised or realisable.

**4.78. Premises to be used.** — (1) The State Transport Authority may, in consultation with the local authority or the police authority having jurisdiction over the area concerned, approve any premises owned by or in the possession of a licensee or an applicant for an agent's licence to be used for loading or unloading of goods or for parking goods vehicles or for the storage of goods in the custody of the agent, having regard to the suitability of the site, sanitary conditions and storage facilities provided at such premises.

(2) Any approval under sub-rule (1) shall be subject to the following conditions, namely: —

(i) that the premises shall at all times be kept in a clean condition and good state of repairs;

(ii) that the premises shall be administered in a seemly and orderly manner;

(iii) that the licensee shall take all possible precautions to ensure that no breach of any of the provisions of the Motor Vehicles Act, 1939 (4 of 1939) or of these rules is committed in respect of any vehicle entering or leaving or parking at such premises and shall report in writing any such breach to the nearest police station.

(3) Where the State Transport Authority refuses to approve any premises under sub-rule (1), it shall record in writing its reasons for such refusal.

**4.79. Suspension cancellation of licences.** — (1) Without prejudice to any other action which may be taken against a licensee, the licensing authority may, by order in writing, cancel the agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which the licence has been granted has been contravened.

(2) The licensing authority may by order in writing cancel the agent's licence or suspend it for such period as it thinks fit, if in its opinion any of the conditions under which any premises have been approved under rule 4.78 has been contravened.

(3) Before making any order of suspension or cancellation under this rule, the licensing authority shall give the licensee an opportunity of being heard and shall record reasons in writing for such cancellation or suspension.

**4.80. Issue of duplicate licences.** — If at any time an agent's licence is lost, destroyed or torn or otherwise defaced so as to be illegible the agent shall forthwith apply to the licensing authority for the grant of a duplicate licence. The application shall be accompanied by a fee of Rs. 10/- (Rupees ten). Upon receipt of such an application that authority shall issue a duplicate agent's licence clearly stamped "Duplicate". If a duplicate agent's licence is granted on a representation that the licence originally granted has been lost or destroyed and the original licence is subsequently found, the original

licence shall be surrendered to the licensing authority.

**4.81. Display of agent's licence.**—(1) A collecting agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable.

(2) A forwarding agent shall exhibit his agent's licence at a prominent place in the premises approved under rule 4.78 and the licence shall be made available for inspection by any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable.

(3) A collecting and forwarding agent shall carry with him his agent's licence while on duty and shall produce it on demand to any inspecting officer of the Transport Department or any police officer in uniform not below the rank of a head constable, and shall also cause a true copy of his agent's licence to be exhibited at a prominent place in the premises approved under rule 4.78.

**4.82. Appeals.**—(1) Any person aggrieved by an order made under sub-rule (3) of rule 4.71, rule 4.72, clauses (m), (n) or (o) of rule 4.75, rule 4.77 sub-rule (1) of rule 4.78, sub-rule (1) or sub-rule (2) of rule 4.79, rule 4.80 or rule 4.83 may appeal to the State Transport Appellate Tribunal within thirty days from the date of the receipt of such order.

(2) The memorandum of appeal shall be filed in duplicate setting forth concisely the grounds of objection and shall be accompanied by a certified copy of that order.

Provided that a memorandum of appeal shall not relate to more than one order or be signed by more than one party.

**4.83. Levy of fees for supply of copies by Transport Authorities.**—The Authority which passed an order to be appealed against shall on an application by a party give a certified copy of the order or of any other relevant document on payment of a fee of Rs. 2/- (Rupees two) such payment being made in cash to the Directorate of Transport Goa, Daman and Diu.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 21st July, 1972.

#### FORM I

Application for licence to work as collecting agent/forwarding agent/collecting and forwarding agent under rule 4.71(1) of the ... Rules.

To

The Secretary, State Transport Authority ...

1. Full name ...
2. Name of father or husband (in the case of individuals) ...
3. Address ...

4. Educational Qualifications, or experience in the management of transport business ...
5. (a) Place where the applicant proposes to engage as an agent ...  
(b) Places where he proposes to establish his sub-agencies/offices ...
6. Nature and extent of financial resources of the applicant ...
7. Particulars of goods vehicles either owned by the applicant or under his control ...  
(a) Total number ...  
(b) Makes ...  
(c) Models or years or manufacture ...  
(d) Registered laden weights ...  
(e) Registration marks ...
8. Additional particulars to be supplied where the application is for a licence as forwarding agent or collecting and forwarding agent ...  
(a) Particulars of the site and its location ...  
(b) Description of the premises (nature of buildings, extent of the site etc.) ...  
(c) Facilities, if any, provided by the applicant for parking the goods vehicles ...  
(d) Facilities provided by him for loading and unloading goods ...  
(e) Particulars of weighing device provided at the above mentioned places ...

Note:—This application, if made to the State Transport Authority shall be accompanied by certificates of the Regional Transport Authorities concerned approving the facilities provided by the applicant for parking the goods vehicles loading and unloading goods and storage of goods.

10. I am/we are fully conversant with the conditions of public carrier permits and the provisions of the Motor Vehicles Act, 1939 and the Rules made thereunder so far as they relate to the restrictions regarding the routes, weights, loading and unloading of goods and the duties and functions of agents.

11. I/we hereby declare that to the best of my/our knowledge and belief the particulars given above are true.

Place/Date

Signature of applicant.

#### FORM II

Application for the renewal of Agent's Licence under Rules 4.71(1) of ..., Rules ...

To

The Secretary,  
State Transport Authority.

I/We hereby apply for the renewal of my/our licence which is attached, and particulars of which are as follows:—

- (a) Licence No.
- (b) Date of issue.
- (c) Nature of the licence, i.e. collecting agent or forwarding agent or collecting and forwarding agent.
- (d) Name of the Licensee (in block letters).
- (e) Address.

If the licence is not attached, reasons why it is not available.

...

...

If the application for renewal was not made 30 days before the date of expiry of the licence, reasons for the delay:

...

...

...

The prescribed fee of Rs. 100/- is tendered hereby by means of ...

I hereby declare that there is no such change in the circumstances in which the licence was issued to me/us, as disqualifies me/us from continuing to hold this licence.

Place and

Date

Signature of the applicant

### FORM III

Agent's Licence granted under rule 4.71 of ... Rules, 19 ...

Licence No. .../19

Full Name ...

(Name of father or husband (in the case of an individual) ...

Address ...

...

is licensed to engage as FORWARDING AGENT/COLLECTING AGENT/COLLECTING AND FORWARDING AGENT at (1) ... and maintain sub-agencies/offices for the purpose at (1) ... subject to (2) ...

The licence is valid from ... to ...

Date

So long as this Agent's Licence is valid and renewed from time to time the holder is authorised to use the premises, the particulars of which are given below, in connection with his business, subject to the provisions of Rule 4.73(2).

...

Particulars of premises ...

Date

Secretary,

State Transport Authority

(1) Specify the place or places where the agent's officer or offices are or will be located.

(2) Specify the conditions.

### RENEWALS

This licence is hereby renewed upto ...

Secretary,

Date State Transport Authority

This licence is hereby renewed upto ....

Secretary,

Date State Transport Authority

### FORM IV

Annual return for the period ending 31st December, 19 submitted by (Name and address of the Agent) under Rule 4.75(e) of ... Rules.

To

The Secretary,  
State Transport Authority ...

1. Licence No.
2. Date of its grant of last renewal.
3. Total number of goods vehicles owned by the agent.
4. Total number of goods vehicles under the control of the agent.

5. Number of goods vehicles out of those mentioned in items Nos. (3) and (4) above, which were actually used during the year:

- (a) For more than six months in the year.
- (b) For more than 9 months in the year.
- (c) For more than 10 months in the year.

6. Tonnage of goods collected and delivered to the forwarding agents:

Name and address of the forwarding agent	Tonnes of the goods delivered to the forwarding agent
...	...
...	...

Total No. of agents total tonnage

Note. — In case the space given above under item No. 6 is not sufficient, attach a separate sheet.

7. Total tonnes of the goods collected, forwarded and delivered by the agent himself.

8. Minimum and maximum distances for which the goods were forwarded from the forwarding point to the delivering point.

Distance	Total tonnes
(a) Distance not exceeding 80 Kilometres.	
(b) Distance exceeding 80 Kilometres but not exceeding 160 Kilometres.	
(c) Distance exceeding 160 Kilometres but not exceeding 240 Kilometres.	
(d) Distance exceeding 240 Kilometres but not exceeding 320 Kilometres.	
(e) Distance exceeding 320 Kilometres but not exceeding 400 Kilometres.	
(f) Distance exceeding 400 Kilometres but not exceeding 480 Kilometres.	
(g) Distance exceeding 480 Kilometres.	

9. In respect of the entry made in item No. 8(g) above, specify the nature of the goods (e. g. fruits, glass, household effects, corn, coal etc.).

10. Total length of journeys performed by the goods vehicles mentioned in items No. (3) and (4) above, in Kilometres.

11. Maximum time taken in delivering a consignment, from the date of its booking, by the forwarding agent.

Time	Tonnes of the consignment	Distance from the forwarding point to the delivering point

12. Claims received and settled.

No. of claims pending from previous year	No. of claims received during the year	Compensation claimed during the year	No. of claims settled during the year	Compensation paid during the year	No. of claims pending at the end of the year

## 13. Freight and commission.

Total freight realised in respect of the vehicle mentioned in item No. (3) above

Total freight realised in respect of the vehicles mentioned in item No. (4) above

Total freight realised and paid to other operators

Total amount of Commission realised

14. Total amount of the premium paid to insurance companies for insurance of the goods.

15. Total amount realised from the insurance companies in respect of claims for loss or damage of goods.

16. Maximum time for which a consignment was held by the collecting agent before delivering it to the forwarding agent.

17. Maximum time for which a consignment was held by the forwarding agent in his godown before despatch.

18. Maximum time for which a consignment was held by the forwarding agent in his godown at the distributing point before delivery to the consignee.

Date

Signature of the agent.

## Planning Department

## Goa, Daman and Diu Housing Board

Junta House

## Notification

REG/1/71

In exercise of the powers conferred under section 129 of the Goa, Daman and Diu Housing Board Act 1968, the Goa, Daman and Diu Housing Board, with the approval of the Government hereby makes as follows the 1st amendment to the Goa, Daman and Diu Housing Board (Allotment and use of buildings constructed or managed under any housing scheme) Regulations, 1971.

*I. Amendment of Form II appended to the Regulations: —*

Substitute "two months rents" in place of "three months rents" in para 1 of Form II appended to Goa, Daman and Diu Housing Board (allotment and use of buildings constructed or managed under any housing scheme) Regulations, 1971.

*Carmo de Noronha, Chairman.*

Panaji, 24th May, 1972.